

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

TYLER M., on behalf of TODD M. (deceased),	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:20-cv-02316-MJD-JRS
	)	
KILOLO KIJAKAZI, Acting Commissioner of	)	
Social Security,	)	
	)	
Defendant.	)	


**ORDER ON MOTION TO REMAND**

This matter is before the Court on Defendant's Motion to Remand [Dkt. 16] and Plaintiff's Unopposed Motion to File Sur-Reply to Defendant's Reply [Dkt. 21]. Both motions are **GRANTED**. The Court has considered Plaintiff's surreply, found at Dkt. 21-2, in making this ruling.

The Commissioner's decision is **REVERSED** and this case is **REMANDED** for a *de novo* determination regarding (1) Dr. French's opinion relating to Claimant's ability to stand and walk and (2) Step 5. The ALJ shall either (1) award benefits; (2) hold a new hearing; or (3) provide Plaintiff with notice that he or she does not intend to hold a new hearing and the opportunity to submit arguments and evidence prior to the ALJ's entry of a new decision.

SO ORDERED.

Dated: 27 AUG 2021

  
\_\_\_\_\_  
Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

Service will be made electronically on all ECF-registered counsel of record via email generated by the Court's ECF system.